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QUESTION OF EAST TIMOR

Progress report of the Secretary-General

1. In my progress report to the forty-seventh session of the General Assembly on the question of East Timor (A/47/435), I apprised the Assembly of the efforts in progress at the time to reactivate the dialogue between Indonesia and Portugal under my auspices aimed at finding a comprehensive and internationally acceptable solution to the question of East Timor, which had been interrupted since the autumn of 1991. In particular, I informed the Assembly of my decision to invite the Foreign Ministers of the two countries to hold informal consultations, without preconditions, with the object of arriving at a mutually acceptable format for resuming substantive discussions on the matter.

2. The informal talks, held on 26 September 1992 in New York, resulted in an agreement to hold substantive discussions at the level of Foreign Ministers as well as preparatory meetings between the Permanent Representatives of the two sides in New York, to be led by the Secretary-General and his designated representative, respectively. It was also understood that the Secretary-General would consult anyone he deemed appropriate in the context of the dialogue.

3. Since then, I have held three rounds of substantive discussions with the two Foreign Ministers, in New York on 17 December 1992, in Rome on 21 April 1993 and in New York on 17 September 1993. My Senior Political Adviser, Mr. Alvaro de Soto, has convened a number of meetings of the Permanent Representatives of the two countries to the United Nations. He and other officials of the United Nations have also had contacts with representatives of various East Timorese groups and prominent individuals.

4. All sides concerned realize the need to make progress on confidence- building measures that could help pave the way for a discussion of the core issues. I have explored various ideas in this respect with the two Foreign Ministers. While it has proved difficult to make progress on the core question, owing to the wide difference in the positions of the two sides, I am moderately encouraged by the substance and tone of the discussions held on 17 September 1993, as reflected in the statement issued by my spokesman following the meetings (SG/SM/5095). I am hopeful that, with patience and the continued cooperation of the parties, we will be able to build on these initial steps and that the process will bear further results. Continued dialogue is the rational way towards the achievement of a lasting settlement of the question of East Timor. I must underline, however, the need to redouble our efforts in this direction and for the parties to show greater flexibility in the interest of making progress.

5. Equally important and intrinsically linked to the peace process is the human rights situation in East Timor. The improvement of the conditions in East Timor is sine qua non to progress in the talks. It is in that spirit and in view of the continued concern of the international community in that respect that I have been closely following developments affecting the enjoyment of the human rights and fundamental freedoms of the East Timorese people. In March 1993, the Commission on Human Rights adopted resolution 1993/97, in which it, inter alia, recalled that it had commended the decision of the Government of Indonesia to set up an inquiry commission on the killings of 12 November 1991, but regretted that the investigation had failed to identify clearly those responsible; expressed its concern about the lack of information concerning the number of people killed in that incident and urged the Government to account fully for those still missing; regretted the disparity in the severity of sentences imposed on civilians not indicted for violent activities and the military involved in the violent incident; called upon the Government to ensure that all East Timorese in custody, including main public figures, were treated humanely, with

their rights fully respected, and that all trials be fair, just and public, and recognize the right to proper legal representation, and that those not involved in violent activities were released without delay; welcomed the greater access recently granted by the Indonesian authorities to human rights and humanitarian organizations, and called for the further expansion of that access; and urged Indonesia to invite the Special Rapporteurs on torture and on extrajudicial, summary or arbitrary executions, and the Working Groups on Arbitrary Detention and on Enforced and Involuntary Disappearances to visit East Timor and to facilitate the discharge of their mandates.

6. In August 1993, in its resolution 1993/12, the Subcommission on Prevention of Discrimination and Protection of Minorities, inter alia, noted with satisfaction the lifting of the restrictions imposed upon the activities of the International Committee of the Red Cross (ICRC) in East Timor, but expressed its deepest concern at reports of continuing violations of human rights there; and urged the Indonesian authorities to implement fully the decisions of the Commission on Human Rights, as well as to honour the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War regarding the prohibition on removing prisoners from their original place of residence.

7. Upon receiving the agreement of the Government of Indonesia to my earlier request, I dispatched Mr. Amos Wako, my Personal Envoy, on a visit to East Timor and Indonesia in April 1993, as a follow-up to his first visit of February 1992. Mr. Wako visited the area from 3 to 8 April 1993. In addition to the task of following up on the implementation of his recommendations arising from his first visit, I requested Mr. Wako to provide me with an assessment of the overall human rights situation in East Timor and, to that end, to meet with all persons he believed should be consulted, including persons in detention. Mr. Wako conducted his assignment to my full satisfaction and reported to me personally on his findings and recommendations on how the human rights situation in the territory could be improved. During his visit, he held extensive discussions with the Indonesian authorities, both at Jakarta and in East Timor, as well as with the Bishop of East Timor, non-governmental organizations and human rights activists, and East Timorese in detention (and released from detention) for their alleged or suspected pro-independence activities. These included individuals who had been in positions of leadership, notably Mr. Jose "Xanana" Gusmao, leader of the Frente Revolucionaria de Timor Leste Independente (FRETILIN), who was captured by the Indonesian armed forces on 20 November 1992, as well as those convicted for organizing the demonstrations of November 1991. Mr. Wako was also received by President Suharto before ending his visit.

8. I have conveyed the conclusions and recommendations of my Personal Envoy to the Government of Indonesia, and the Government of Portugal has been apprised of the same. In a letter dated 7 August 1993, Mr. Ali Alatas, Minister for Foreign Affairs of Indonesia, transmitted to me the reaction of his Government to the substance of Mr. Wako's conclusions and recommendations.

9. Since his arrest by the Indonesian authorities near Dili on 20 November 1992, I have been following the situation of Mr. "Xanana" Gusmao. In addition to the confidential meeting that my Personal Envoy had with him in April 1993, I have on a number of occasions raised with the Indonesian authorities the question of immediate access by ICRC to Mr. Gusmao and other detainees in East Timor. I have also received reports from human rights organizations on his treatment and conditions of detention, as well as communications from Governments, parliamentarians and other prominent personalities and numerous concerned individuals from different parts of the world conveying their concern about Mr. Gusmao's detention and fate.

10. Mr. Gusmao's trial began at Dili in February 1993. In May 1993, following the 21 April round of talks between Indonesia and Portugal under my auspices, and with the agreement of the Government of Indonesia, I decided to dispatch a member of the United Nations Secretariat to observe the concluding stages of Mr. Gusmao's trial. Despite a number of problems encountered, the United Nations observer was able to attend three of the five trial sessions held in Dili between 5 and 21 May 1993. On 21 May, the court sentenced Mr. Gusmao to life imprisonment, a decision that has since been reduced to a 20-year prison term by President Suharto. I will continue to follow the situation of Mr. Gusmao closely and to be in communication with the Government of Indonesia on the subject.

11. I will hold a new round of discussions with the two Foreign Ministers on 6 May 1994 at Geneva. Prior to that, preparatory meetings will be held by my designated representative with the two Permanent Representatives to the United Nations.